

**REMARKS**

Claims 1-13 are pending in the Application of which claims 1-10, 12 and 13 are rejected. Claim 11 is withdrawn from consideration. Applicant requests reconsideration of the aforementioned rejections in view of the amendment to the claims and the remarks contained herein.

Claim 1 is amended to clarify the functional recitations of the word "for" as submitted in paragraph 14 of the Office Action. No new matter is added.

Claim 2 is amended to include the use of a vehicle motion detector as originally disclosed in the specification.

The Applicant disagrees with the Examiner's interpretation of the word "controller" as submitted in paragraph 12(a) of the Action. It is Applicant's belief that the Examiner's interpretation of the word "controller" is too narrow and is not appropriate for the present invention. In the present invention, Applicant submits that the term "controller" for the RFID Localization Controller (RLC) 301, performs functions in addition to interfacing with a computer. An electric controller as used in the context of the present invention, " is an electric device for governing in some predetermined way the power delivered to the apparatus to which it is connected." Webster's Third New International Dictionary, Copyright 1986 by Merriam-Webster Inc. In the present invention, the RLC 301 activates antennas 101 and 103, reads tag information and interfaces to the Point of Sale system (POS) 303. Being the main component of the present invention (see specification, page 7, line 10), the operation of the RLC 301 encompasses numerous functions. Therefore, Applicant takes exception to the Examiner's

current interpretation of the word "controller" and believes the interpretation as described above is the correct usage for the present invention.

**REJECTIONS UNDER 35 U.S.C. § § 102 AND 103**

Claims 1-10, 12, and 13 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Oberrecht et al. (U.S. Patent No. 5,605,182).

Claims 1-10, 12 and 13 were also rejected under 35 U.S.C. §102(e) as allegedly anticipated by Janning et al. (U.S. Patent No. 6,446,049 B1).

Claims 4 and 8 were alternatively rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Oberrecht. Those rejections are respectfully traversed.

Applicant submits that the present invention is unique and non-obvious because the novelty includes unambiguously linking the data read from a tag to the vehicle that receives the fuel and the owner of the account (see specification, page 3, lines 11-17; and page 8, lines 11-17). Applicant also submits that as a part of the vehicle and owner identification, at least one motion detector is used with at least one antenna per dispenser. Claim 1, lines 2 and 3 presently highlight that feature. Claim 2 was amended to include that feature. No new matter was added.

Applicant further submits that the present RFID system is long range, unlike the short range systems described in the prior art. Applicant submits that the extra range allows the RFID system to start the authorization process well before the vehicle is stopped or the driver exits the vehicle. The Oberrecht et al. and Janning et al. patents disclose use a very short range system (inductive or magnetic coupling) with ranges from inches to no more than two feet. That short range necessitates that the transaction process does not start until the vehicle stops, the driver gets out of the vehicle, removes the nozzle from the pump, and places the nozzle in the fuel filler

neck. Thus, Applicant submits that the authorization of the fueling doesn't begin until a much later time than the present invention, thus adding considerable time and inconvenience to the driver. Applicant submits that the present invention includes a range greater than ten feet with the current structure that includes the vehicle motion sensor. Applicant further submits that the present invention with the "long range" RFID system uses propagating electromagnetic waves which is vastly different from the short range magnetic systems described in Oberrecht et al. and Janning et al.

In view of the foregoing, Applicant respectfully submits that the present claims are not anticipated by Oberrecht et al. or Janning et al. under 35 U.S.C. §102.

Applicant further submits that the presently claimed invention is not made obvious by Oberrecht et al. because of alleged inherencies as noted in the §102 rejections. However, for the same arguments presented for the §102 rejections, the present claims are not rendered obvious. Oberrecht et al. fails to teach or suggest the features described above in the presently claimed invention: a) at least one vehicle motion detector associated with at least one antenna for each dispenser; and b) unambiguously linking the data read from a tag to the vehicle that receives the fuel and the owner of the account. The RFID system of the present invention is structured to begin authorization at an earlier time period than that described in the prior art. Therefore, Oberrecht et al. does not render the claimed invention obvious.

Claims 1 and 2 were further amended to remove ambiguities that might have been caused by the use of the word "for".

In view of the foregoing, independent claims 1-2, and the dependent claims thereon, are in condition for allowance.

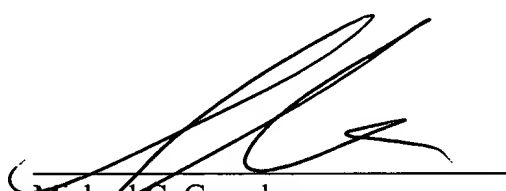
**CONCLUSION**

Applicant respectfully submits that the Amendment and the above remarks obviate the outstanding objections and rejections in this case, thereby placing the application in condition for allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C.F.R. §§1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 23-2185; Order No. (114944-00106)

If an extension of time under 37 C.F.R. §1.136 is necessary and is not accounted for with this paper being filed herewith, such an extension is requested. The extension of time fee then should be charged to Deposit Account No. 23-2185; Order No. (114944-00106).

Respectfully submitted,

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